

CHAPTER NO. 95

SENATE BILL NO. 740

By Fowler, Curtis S. Person, Jr., Williams

Substituted for: House Bill No. 865

By Henri Brooks, Lois DeBerry, Cooper, Larry Turner, Stanley, Pruitt

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 39, relative to sexual offenders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 39, Part 1, is amended by adding the following as a new section:

Section 40-39-111. (a) No sexual offender as defined in § 40-39-102(4), shall knowingly establish a residence or accept employment within one thousand feet (1,000') of the property on which any public school, private or parochial school, licensed day care center, or any other child care facility is located.

(b) No sexual offender as defined in § 40-39-102(4), shall knowingly establish a residence or any other living accommodation within one thousand feet (1,000') of the property on which the offender's former victims, or the victims' immediate family members, reside nor shall such offender knowingly come within one hundred feet (100') of any of the offender's former victims, except as otherwise authorized by law, or make any visual or audible sexually suggestive or obscene gesture, sound, or communication at or to a former victim.

(c) No sexual offender as defined in § 40-39-102(4), shall knowingly establish a residence or any other living accommodation where a minor resides. Notwithstanding this subsection, such an offender may reside with a minor if the offender is the parent of the minor, unless one (1) of the following conditions applies:

(1) The offender's parental rights have been or are in the process of being terminated as provided by law; or

(2) Any minor or adult child of the offender was a victim of a sexual offense committed by the sexual offender.

(d) Changes in the ownership or use of or person or entity that occupies property within one thousand feet (1,000') of a sex offender's registered address which occur after a sexual offender establishes residency or accepts employment shall not form the basis for finding that a sexual offender is in violation of the residence restrictions of this section.


(e) A violation of this section is a Class A misdemeanor.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.

PASSED: April 21, 2003



JOHN S. WILDER
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 7th day of May 2003



PHIL BREDEBEN, GOVERNOR